

MINUTE ITEM

This Calendar Item No. C22 was approved as Minute Item No. 22 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

CALENDAR ITEM

C22

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06/26/06

PRC 4360

R. Barham

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Mary K. Osborn, as Trustee of The Mary K. Osborn 1999 Living Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoe Vista, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat hoist, sun deck, and two mooring buoys as shown on Exhibit A.

LEASE TERM:

Ten years, beginning June 1, 2006.

CONSIDERATION:

No monetary consideration for the pier, boat hoist, and two mooring buoys pursuant to Public Resources Code section 6503.5 and \$104 per annum for the sun deck with the State reserving the right to fix a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Other:

This lease is conditioned on the Applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland property adjoining the lease premises.

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2. On August 21, 1996, the Commission authorized a Recreational Pier lease with Mary. K. Osborn. That lease expired on May 31, 2006. The littoral property ownership has since been transferred to Mary K. Osborn, as Trustee of the Mary K. Osborn 1999 Living Trust.
3. Pursuant to Public Resources Code section 6503.5, Applicant's existing sundeck does not qualify for rent-free status because it is not used for the docking and mooring of boats. The existing pier, boat hoist, and two mooring buoys do qualify for rent-free status. Applicant is now applying for a new General Lease – Recreational Use.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations section 2905 (a)(2).

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE

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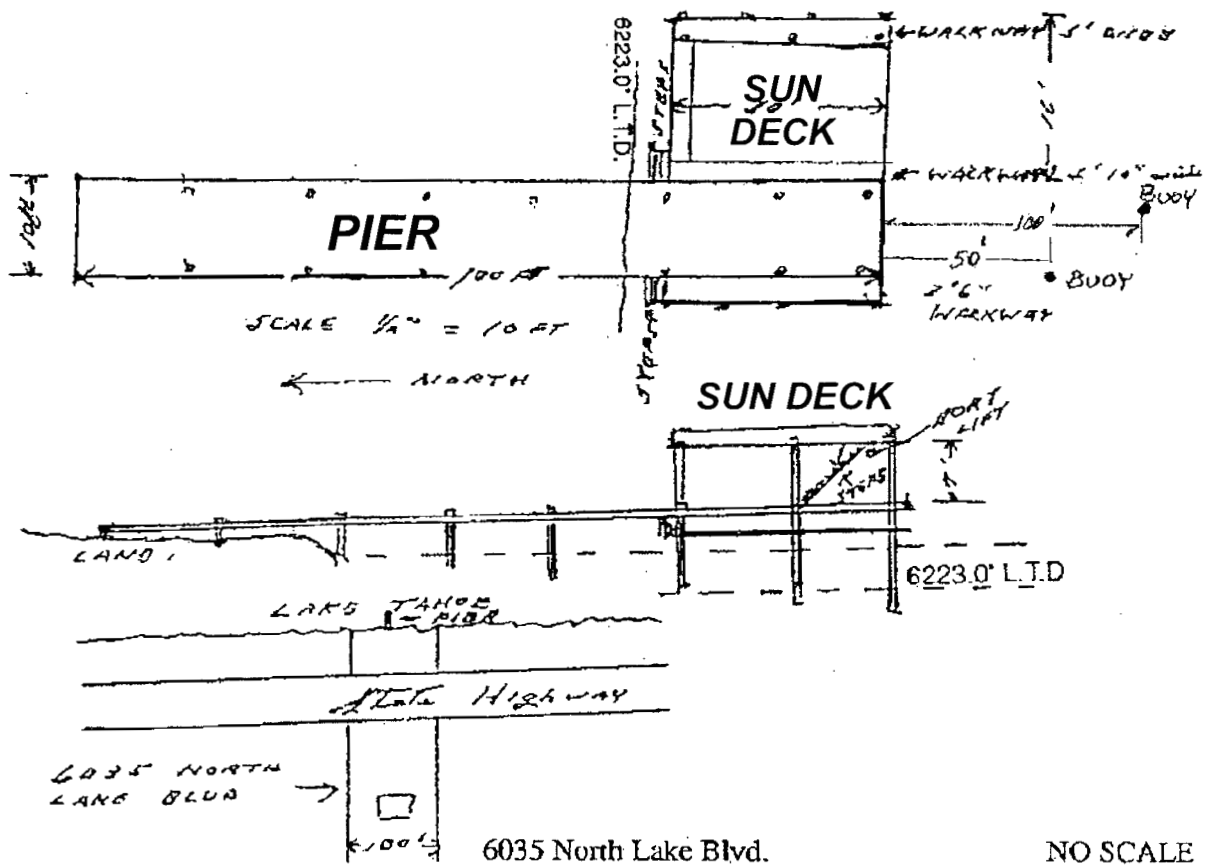
REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO MARY K. OSBORN, AS TRUSTEE OF THE MARY K. OSBORN 1999 LIVING TRUST, OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING JUNE 1, 2006, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOAT HOIST, SUN DECK, AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$104 FOR THE SUN DECK, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5 FOR THE PIER, BOAT HOIST, AND TWO MOORING BUOYS; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.



LOCATION MAP

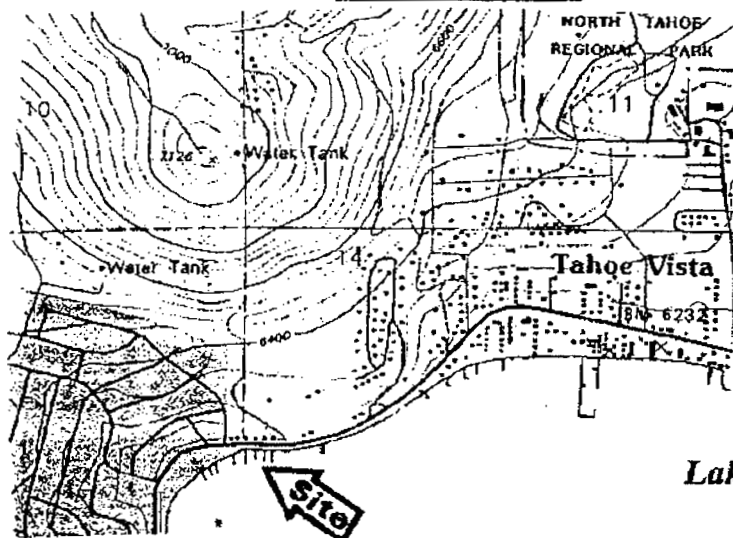


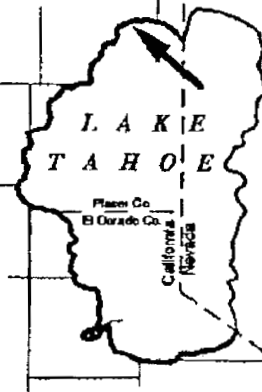
EXHIBIT "A"

PRC 4360

APN 117 - 020 - 04

Lake Tahoe

PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises; and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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